

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael Helmus

Serial No.: 10/075,970

Filed: 02/14/2002

Title: BIODEGRADABLE IMPLANTABLE OR INSERTABLE MEDICAL  
DEVICES WITH CONTROLLED CHANGE OF PHYSICAL  
PROPERTIES LEADING TO BIOMECHANICAL COMPATIBILITY

Art Unit: 3773

Examiner: Tyson, Melanie Ruano

Confirm. No.: 9278

Docket No.: 01-202

VIA EFS Web  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Certificate of Electronic Transmission  
Under 37 C.F.R. §1.8

I hereby certify that this correspondence and any document referenced  
herein are being electronically filed with the USPTO via EFS-Web on  
October 13, 2009.

Nandy Joyce Simmons  
(Printed Name of Person Sending Correspondence)

/nandy joyce simmons/  
(Signature)

**NOTICE OF APPEAL AND PRE-APPEAL BRIEF REQUEST FOR REVIEW**

SIR:

Applicant hereby respectfully appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated July 1, 2009, finally rejecting the pending claims in this application. Applicant hereby petitions the Commissioner to grant a one-month extension of time.

Authorization is hereby provided to charge Deposit Account No. 50-1047 the one-month extension fee under 37 CFR 1.17(a)(1) (\$130) and the Appeal Fee under 37 CFR 41.20(b)(1) (\$540). It is further requested that the Commissioner charge any additional fees that may be required, or credit any overpayments, to Deposit Account 50-1047.

Serial No.: 10/075,970

A Pre-Appeal Brief Request For Review is filed herewith.

Respectfully submitted,

Dated: October 12, 2009

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Respectfully submitted,

By: /Rosemary M. Miano/

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